

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEORGE HALL, # 909753,)	
Plaintiff,)	
)	No. 1:10-cv-1221
-v-)	
)	HONORABLE PAUL L. MALONEY
MIKE MARTIN, et al.,)	
Defendants.)	
_____)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before this Court on a report and recommendation (“R&R”). (ECF No. 27.) In the R&R, the Magistrate Judge reviewed two motions: (1) a motion for summary judgment filed by Defendants (ECF No. 18) and (2) a motion for “temporary order of reinstatement of religious vegan diet for the pendency of this action” filed by Plaintiff. (ECF No. 17.) The Magistrate Judge recommends granting in part and denying in part Defendants’ motion for summary judgment. (R&R 2-3.) The Magistrate Judge recommends denying Plaintiff’s motion for a preliminary injunction. (R&R 3.)

Defendants’ Motion for Summary Judgment (ECF No. 18)

No party filed objections to the recommendations concerning Defendants’ motion for summary judgment. Accordingly, the recommendations concerning Defendants’ motion for summary judgment are **ADOPTED** as the opinion of this Court. *See* 28 U.S.C. § 636(b)(1) *and* Fed. R. Civ. P. 72(b); *see also Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam) (holding the district court need not provide de novo review where the objections are frivolous, conclusive or too general because the burden is on the parties to “pinpoint those portions of the magistrate’s report that the district court must specifically consider”).

Plaintiff’s Motion for Temporary Order of Reinstatement of Religious Vegan Diet for

Pendency of This Action (ECF No. 17)

In the R&R, the Magistrate Judge found that the first two factors in the preliminary injunction analysis weighed in Plaintiff's favor. (R&R 27-28.) The Magistrate Judge concluded that there were factual disputes that prevented Plaintiff from establishing the third element. (R&R 28-29.) The identified potential harm to the MDOC was the cost of providing a strict vegetarian meal that would accommodate Plaintiff's religious dietary demands. The Magistrate Judge reasoned that "[i]f plaintiff concedes that the diet now offered to Buddhists and Seventh Day Adventists would satisfy his religious dietary requirements, he request for injunctive relief would take on a different tenor and would be subject to reconsideration." (R&R 29.)

No party filed objections to the recommendations concerning Plaintiff's motion for a preliminary injunction. Within the time for objections, Plaintiff did file a document titled "Motion for Reconsideration of Request for Injunctive Relief Regarding Religious Vegan Diet." (ECF No. 28.) In that document, Plaintiff "concedes" that the strict vegan diet now offered to Buddhists and Seventh Day Adventists would satisfy his dietary religious needs. (*Id.* 1.) This Court does not construe the document as an objection to the R&R. Plaintiff has not identified any error of law or fact in the R&R. Having received no objections, the portion of the R&R addressing Plaintiff's motion for preliminary injunction is **ADOPTED** as the opinion of this Court.

Accordingly, **IT IS HEREBY ORDERED** that

1. The Report and Recommendation (ECF No. 27) is **ADOPTED** as the opinion of this Court;
2. As recommended in the R&R, Plaintiff's motion for preliminary injunction (ECF No. 17) is **DENIED**; and
3. As recommended in the R&R, Defendants' motion for summary judgment is **GRANTED IN PART and DENIED IN PART**.

Date: May 3, 2012

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge